

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JEANNE G HUNT
Claimant

TEAM STAFFING SOLUTIONS
Employer

APPEAL NO. 07A-UI-07673-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/22/07 R: 03
Claimant: Respondent (2/R)

Section 96.3-5 – Business Closing

STATEMENT OF THE CASE:

Team Staffing Solutions (employer) appealed a representative's August 7, 2007 decision (reference 03) that concluded the claimant was laid off from work because the employer went out of business so the claimant was eligible to receive benefits based on a business closing calculation. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 27, 2007. The claimant participated in the hearing. Sarah Fiedler, an administrative human resource assistant, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant laid off from work with this employer because the Cedar Rapids location was consolidated with the Iowa City office?

FINDINGS OF FACT:

The claimant registered to work for the employer at the Cedar Rapids' office. The employer sent the claimant on a number of job assignments. The claimant's last assignment for the employer was on January 6, 2007. The claimant completed this assignment. The claimant also planned to work at an assignment on February 17, 2007. The claimant was unable to work at this assignment because of an unexpected family medical emergency and she had to go out of town. The employer did not assign the claimant to another job.

When the employer did not assign the claimant any other work, she registered to work for another temporary staffing firm. This staffing firm gave the claimant job assignments. The claimant has not contacted the employer about another job since mid-February 2007.

The employer closed the Cedar Rapids location in July and consolidated the Cedar Rapids and Iowa City businesses at the employer's Iowa City location. The claimant established a claim for unemployment insurance benefits during the week of July 22, 2007.

REASONING AND CONCLUSIONS OF LAW:

A claimant is eligible to have benefits determined based on a business closing when the business at which the individual was **LAST** employed goes out of business. Iowa Code § 96.3-5, 871 IAC 24.29(1). (Emphasis supplied.) Although the employer closed the business location in Cedar Rapids, the claimant is not eligible to have her benefits determined based on a business closing because the employer was not her last or most recent employer. After February 17, 2007, the claimant worked for another temporary employment firm. The claimant's employment separation with the employer is not for disqualifying reasons, and the claimant is not eligible to have her maximum benefits based on a business closing computation.

DECISION:

The representative's August 7, 2007 decision (reference 03) is reversed. The claimant was laid off from work with this employer, but the employer was not the claimant's most recent or last employer. Therefore, the claimant is not eligible for business closing benefits. The amount of the claimant's maximum benefit amount is remanded to the Claims Section to determine based on this decision.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css